

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

1-800 CONTACTS, INC.,

Plaintiff,

-against-

VISION DIRECT, INC.,

Defendant.

X : Case No. 08 cv 01949

**MOTION TO ADMIT  
COUNSEL PRO HAC VICE**

X :

X :

X :

PURSUANT TO RULE 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Delton L. Vandever, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

David J. Steele, Esq.  
Christie, Parker & Hale, LLP  
3501 Jamboree Road, Suite 6000  
Newport Beach, California 92660-2960  
Telephone: (949) 476-0757  
Facsimile: (949) 476-8640

Howard A. Kroll, Esq.  
Christie, Parker & Hale, LLP  
350 West Colorado Boulevard, Suite 500  
Pasadena, California 91109-7068  
Telephone: (626) 795-9900  
Facsimile: (626) 577-8800

Gary Dukarich, Esq.  
Christie, Parker & Hale, LLP  
3501 Jamboree Road, Suite 6000  
Newport Beach, California 92660-2960  
Telephone: (949) 476-0757  
Facsimile: (949) 476-8640

David J. Steele is a member in good standing of the Bar of the State of California. Howard A. Kroll is a member in good standing of the Bar of the State of California. Gary Dukarich is a member in good standing of the Bar of the States of California and Arizona. There

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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
CLERK'S OFFICE

are no pending disciplinary proceedings against David J. Steele, Howard A. Kroll or Gary Dukarich in any state or federal court.

Dated: New York, New York  
March 17, 2008

Respectfully submitted,

WINDELS MARX LANE & MITTENDORF, LLP

By   
Delton L. Vandever (DLV-8062)  
156 West 56th Street  
New York, NY 10019  
(212) 237-1000

Attorneys for Plaintiff 1-800 Contacts, Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x	
1-800 CONTACTS, INC.,	:
	: Case No. 08 cv 01949
Plaintiff,	:
-against-	:
VISION DIRECT, INC.,	:
Defendant.	:
	: ----- x

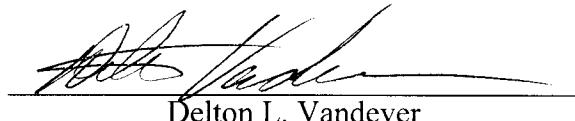
State of New York )  
                      )  
                      ss:  
County of New York )

Delton L. Vandever, being duly sworn, hereby deposes and says as follows:

1. I am associated with Windels Marx Lane & Mittendorf, LLP, counsel for Plaintiff in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge and/or belief of the facts set forth herein and in support of my motion to admit David J. Steele, Howard A. Kroll, and Gary Dukarich as counsels *pro hac vice* to represent Plaintiff in this matter.
2. I am a member in good standing of the bar of the State of New York and was admitted to practice law in July of 2000. I am also admitted to the Bar of the United States District Courts for the Southern and Eastern Districts of New York, and am in good standing with both Courts.
3. I have become acquainted with David J. Steele and Gary Dukarich this year through working with them on the above-captioned action and I have known Howard A. Kroll since 2005. I have had an opportunity to evaluate their work product and manner of conducting their practice.
4. David J. Steele is a partner at Christie, Parker & Hale, LLP in Newport Beach, California. Howard A. Kroll is a partner at Christie, Parker & Hale, LLP in Pasadena, California. Gary Dukarich is a senior counsel to Christie, Parker & Hale, LLP in Newport Beach, California.
5. I have found Mr. Steele, Mr. Kroll, and Mr. Dukarich to be skilled attorneys and persons of integrity. I believe them to be experienced in Federal practice and familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of David J. Steele, Howard A. Kroll, and Gary Dukarich *pro hac vice*.

7. I respectfully submit a proposed order granting the admissions of David J. Steele, Howard A. Kroll, and Gary Dukarich *pro hac vice* which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit David J. Steele, Howard A. Kroll, and Gary Dukarich *pro hac vice* to represent Plaintiff in the above-captioned matter be granted.



Delton L. Vandever

Sworn to before me this  
17<sup>th</sup> day of March, 2008

  
Iselle Mencic  
Notary Public

ISELLE MENCIC,  
Notary Public, State of New York  
No. 01ME6090070  
Qualified in Kings County  
Commission Expires April 7 2007

2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X	
1-800 CONTACTS, INC.,	:
	Case No. 08 cv 01949
Plaintiff,	:
	:
-against-	:
	<b>ORDER FOR ADMISSION</b>
VISION DIRECT, INC.,	:
	<b><i>PRO HAC VICE</i></b>
	:
Defendant.	:
	<b>ON WRITTEN MOTION</b>
	:
	X -----

Upon consideration of the motion of Delton L. Vandever, attorney for Plaintiff 1-800 CONTACTS, INC. and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

David J. Steele, Esq.  
 Christie, Parker & Hale, LLP  
 3501 Jamboree Road, Suite 6000  
 Newport Beach, California 92660-2960  
 Telephone (949) 476-0757  
 Facsimile (949) 476-8640  
 email: djs@cph.com

Howard A. Kroll, Esq.  
 Christie, Parker & Hale, LLP  
 350 West Colorado Boulevard, Suite 500  
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Gary Dukarich, Esq.  
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 Newport Beach, California 92660-2960  
 Telephone: (949) 476-0757  
 Facsimile: (949) 476-8640  
 email: gsd@cph.com

are admitted to practice *pro hac vice* as counsel for Plaintiff 1-800 CONTACTS, INC. in the above-captioned case in the United States District Court for the Southern District of New

York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at *nysd.uscourts.gov*. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

DATED: \_\_\_\_\_

\_\_\_\_\_  
United States District/Magistrate Judge



**THE STATE BAR  
OF CALIFORNIA**

**MEMBER SERVICES CENTER**

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180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

March 4, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, DAVID J. STEELE, #209797 was admitted to the practice of law in this state by the Supreme Court of California on November 23, 2000; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert".  
Kath Lambert  
Custodian of Membership Records



**THE STATE BAR  
OF CALIFORNIA**

**MEMBER SERVICES CENTER**

---

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

March 4, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, HOWARD ALAN KROLL, #100981 was admitted to the practice of law in this state by the Supreme Court of California on December 1, 1981; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert".

Kath Lambert  
Custodian of Membership Records



**THE STATE BAR  
OF CALIFORNIA**

**MEMBER SERVICES CENTER**

---

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

March 4, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, GARY SCOTT DUKARICH, #188561 was admitted to the practice of law in this state by the Supreme Court of California on June 4, 1997; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Kath Lambert".

Kath Lambert  
Custodian of Membership Records

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
1-800 CONTACTS, INC.,

: Plaintiff,

: -against-

VISION DIRECT, INC.,

: Defendant.

: Case No. 08 cv 01949

-----x  
**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )  
: ss.:  
COUNTY OF NEW YORK )

SONYA YAKUB, being duly sworn, deposes and says:

1. I am employed by the firm of Windels Marx Lane & Mittendorf, LLP, attorneys for Plaintiff. I am over the age of eighteen years, and not a party to the within action.

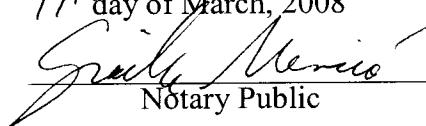
2. On March 17, 2008, I served a true copy of the within **Motion to Admit Counsel Pro Hac Vice and Affidavit in Support**, by sending same securely sealed in a postpaid wrapper via Federal Express, for delivery the next business day to the following:

Wilson, Sonsini, Goodrich & Rosati  
1700 K Street, 5<sup>th</sup> Floor  
Washington, D.C. 20006-3817  
Attn: Jessica Margolis, Esq.

this being the address designated by said attorneys for that purpose.

  
SONYA YAKUB

Sworn to before me this  
17<sup>th</sup> day of March, 2008

  
Notary Public

GISELLE MENCIO  
Notary Public, State of New York  
No. 01ME6090070  
Qualified in Kings County  
Commission Expires April 7 2007  
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